

REFERENCE TITLE: dangerous crimes against children; release

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# HB 2037

Introduced by  
Representative Barnes

AN ACT

AMENDING SECTIONS 13-604.01, 31-412, 41-1604.11 AND 41-1604.13, ARIZONA  
REVISED STATUTES; RELATING TO DANGEROUS CRIMES AGAINST CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-604.01, Arizona Revised Statutes, is amended to  
3 read:

4 13-604.01. Dangerous crimes against children: sentences:  
5 definitions

6 A. A person who is at least eighteen years of age and who stands  
7 convicted of a dangerous crime against children in the first degree involving  
8 sexual assault of a minor who is twelve years of age or younger or sexual  
9 conduct with a minor who is twelve years of age or younger shall be sentenced  
10 to life imprisonment and is not eligible for suspension of sentence,  
11 probation, pardon or release from confinement on any basis except as  
12 specifically authorized by section 31-233, subsection A or B until the person  
13 has served thirty-five years or the sentence is commuted. This subsection  
14 does not apply to masturbatory contact.

15 B. Except as otherwise provided in this section, a person who is at  
16 least eighteen years of age or who has been tried as an adult and who stands  
17 convicted of a dangerous crime against children in the first degree involving  
18 attempted first degree murder of a minor who is under twelve years of age,  
19 second degree murder of a minor who is under twelve years of age, sexual  
20 assault of a minor who is under twelve years of age, sexual conduct with a  
21 minor who is under twelve years of age or manufacturing methamphetamine under  
22 circumstances that cause physical injury to a minor who is under twelve years  
23 of age may be sentenced to life imprisonment and is not eligible for  
24 suspension of sentence, probation, pardon or release from confinement on any  
25 basis except as specifically authorized by section 31-233, subsection A or B  
26 until the person has served thirty-five years or the sentence is commuted.  
27 If a life sentence is not imposed pursuant to this subsection, the person  
28 shall be sentenced to a presumptive term of imprisonment for twenty years.

29 C. Except as otherwise provided in this section, a person who is at  
30 least eighteen years of age or who has been tried as an adult and who stands  
31 convicted of a dangerous crime against children in the first degree involving  
32 attempted first degree murder of a minor who is twelve, thirteen or fourteen  
33 years of age, second degree murder of a minor who is twelve, thirteen or  
34 fourteen years of age, sexual assault of a minor who is twelve, thirteen or  
35 fourteen years of age, taking a child for the purpose of prostitution, child  
36 prostitution, sexual conduct with a minor who is twelve, thirteen or fourteen  
37 years of age, continuous sexual abuse of a child, sex trafficking of a minor  
38 who is under fifteen years of age, ~~OR~~ OR manufacturing methamphetamine under  
39 circumstances that cause physical injury to a minor who is twelve, thirteen  
40 or fourteen years of age or involving or using minors in drug offenses shall  
41 be sentenced to a presumptive term of imprisonment for twenty years. If the  
42 convicted person has been previously convicted of one predicate felony the  
43 person shall be sentenced to a presumptive term of imprisonment for thirty  
44 years.

1 D. Except as otherwise provided in this section, a person who is at  
2 least eighteen years of age or who has been tried as an adult and who stands  
3 convicted of a dangerous crime against children in the first degree involving  
4 aggravated assault, molestation of a child, commercial sexual exploitation of  
5 a minor, sexual exploitation of a minor, child abuse or kidnapping shall be  
6 sentenced to a presumptive term of imprisonment for seventeen years. If the  
7 convicted person has been previously convicted of one predicate felony the  
8 person shall be sentenced to a presumptive term of imprisonment for  
9 twenty-eight years.

10 E. Except as otherwise provided in this section, a person who is at  
11 least eighteen years of age or who has been tried as an adult and who stands  
12 convicted of a dangerous crime against children involving sexual abuse under  
13 section 13-1404 is guilty of a class 3 felony and shall be sentenced to a  
14 presumptive term of imprisonment for five years, and unless the person has  
15 previously been convicted of a predicate felony, the presumptive term may be  
16 increased or decreased by up to two and one-half years pursuant to section  
17 13-702, subsections B, C and D. If the person is sentenced to a term of  
18 imprisonment the person is not eligible for release from confinement on any  
19 basis except as specifically authorized by section 31-233, subsection A or B  
20 until the sentence imposed by the court has been served, the person is  
21 eligible for release pursuant to section 41-1604.07 or the sentence is  
22 commuted. If the convicted person has been previously convicted of one  
23 predicate felony the person shall be sentenced to a presumptive term of  
24 imprisonment for fifteen years and is not eligible for suspension of  
25 sentence, probation, pardon or release from confinement on any basis except  
26 as specifically authorized by section 31-233, subsection A or B until the  
27 sentence imposed by the court has been served, the person is eligible for  
28 release pursuant to section 41-1604.07 or the sentence is commuted.

29 F. The presumptive sentences prescribed in subsections B, C and D of  
30 this section or subsection E of this section if the person has previously  
31 been convicted of a predicate felony may be increased or decreased by up to  
32 seven years pursuant to the provisions of section 13-702, subsections B, C  
33 and D.

34 G. Except as provided in subsection E of this section, a person WHO IS  
35 sentenced for a dangerous crime against children in the first degree pursuant  
36 to this section is not eligible for suspension of sentence, probation, pardon  
37 or release from confinement on any basis except as specifically authorized by  
38 section 31-233, subsection A or B until the sentence imposed by the court has  
39 been served or commuted.

40 H. A person who stands convicted of any dangerous crime against  
41 children in the first degree pursuant to subsection C or D of this section  
42 ~~having~~ AND WHO HAS been previously convicted of two or more predicate  
43 felonies shall be sentenced to life imprisonment and is not eligible for  
44 suspension of sentence, probation, pardon or release from confinement on any  
45 basis except as specifically authorized by section 31-233, subsection A or B

1 until the person has served not fewer than thirty-five years or the sentence  
2 is commuted.

3 I. Notwithstanding chapter 10 of this title, a person who is at least  
4 eighteen years of age or who has been tried as an adult and who stands  
5 convicted of a dangerous crime against children in the second degree pursuant  
6 to subsection C or D of this section or luring a minor for sexual  
7 exploitation pursuant to section 13-3554 is guilty of a class 3 felony and  
8 shall be sentenced to a presumptive term of imprisonment for ten years. The  
9 presumptive term may be increased or decreased by up to five years pursuant  
10 to section 13-702, subsections B, C and D. If the person is sentenced to a  
11 term of imprisonment, the person is not eligible for release from confinement  
12 on any basis except as specifically authorized by section 31-233, subsection  
13 A or B until the person has served the sentence imposed by the court, the  
14 person is eligible for release pursuant to section 41-1604.07 or the sentence  
15 is commuted. A person who is convicted of any dangerous crime against  
16 children in the second degree ~~having~~ AND WHO HAS been previously convicted of  
17 one or more predicate felonies is not eligible for suspension of sentence,  
18 probation, pardon or release from confinement on any basis except as  
19 specifically authorized by section 31-233, subsection A or B until the  
20 sentence imposed by the court has been served, the person is eligible for  
21 release pursuant to section 41-1604.07 or the sentence is commuted.

22 J. Section 13-604, subsections M and O apply to the determination of  
23 prior convictions.

24 K. The sentence THAT IS imposed on a person by the court for a  
25 dangerous crime against children under subsection D of this section ~~involving~~  
26 AND THAT INVOLVES child molestation or sexual abuse pursuant to subsection E  
27 of this section may be served concurrently with other sentences if the  
28 offense involved only one victim. The sentence imposed on a person for any  
29 other dangerous crime against children in the first or second degree shall be  
30 consecutive to any other sentence imposed on the person at any time,  
31 including child molestation and sexual abuse of the same victim.

32 L. In this section, for purposes of punishment an unborn child shall  
33 be treated like a minor who is under twelve years of age.

34 M. NOTWITHSTANDING SECTION 31-233, SUBSECTION B, A PERSON WHO IS  
35 CONVICTED OF A VIOLATION OF THIS SECTION IS NOT ELIGIBLE FOR FURLOUGH,  
36 TEMPORARY REMOVAL OR TEMPORARY RELEASE FOR PURPOSES PREPARATORY TO A RETURN  
37 TO THE COMMUNITY WITHIN NINETY DAYS OF THE PERSON'S RELEASE DATE OR FOR  
38 DISASTER AID, INCLUDING LOCAL MUTUAL AID AND STATE EMERGENCIES.

39 ~~M.~~ N. For the purposes of this section:

40 1. "Dangerous crime against children" means any of the following that  
41 is committed against a minor who is under fifteen years of age:

42 (a) Second degree murder.

43 (b) Aggravated assault resulting in serious physical injury or  
44 involving the discharge, use or threatening exhibition of a deadly weapon or  
45 dangerous instrument.

1 (c) Sexual assault.  
 2 (d) Molestation of a child.  
 3 (e) Sexual conduct with a minor.  
 4 (f) Commercial sexual exploitation of a minor.  
 5 (g) Sexual exploitation of a minor.  
 6 (h) Child abuse as prescribed in section 13-3623, subsection A,  
 7 paragraph 1.  
 8 (i) Kidnapping.  
 9 (j) Sexual abuse.  
 10 (k) Taking a child for the purpose of prostitution as ~~defined~~  
 11 ~~PRESCRIBED~~ in section 13-3206.  
 12 (l) Child prostitution as ~~defined~~ ~~PRESCRIBED~~ in section 13-3212.  
 13 (m) Involving or using minors in drug offenses.  
 14 (n) Continuous sexual abuse of a child.  
 15 (o) Attempted first degree murder.  
 16 (p) Sex trafficking.  
 17 (q) Manufacturing methamphetamine under circumstances that cause  
 18 physical injury to a minor.  
 19 A dangerous crime against children is in the first degree if it is a  
 20 completed offense and is in the second degree if it is a preparatory offense,  
 21 except attempted first degree murder is a dangerous crime against children in  
 22 the first degree.  
 23 2. "Predicate felony" means any felony involving child abuse pursuant  
 24 to section 13-3623, subsection A, paragraph 1, a sexual offense, conduct  
 25 involving the intentional or knowing infliction of serious physical injury or  
 26 the discharge, use or threatening exhibition of a deadly weapon or dangerous  
 27 instrument, or a dangerous crime against children in the first or second  
 28 degree.  
 29 Sec. 2. Section 31-412, Arizona Revised Statutes, is amended to read:  
 30 31-412. Criteria for release on parole; release; custody of  
 31 parolee; definition  
 32 A. If a prisoner is certified as eligible for parole pursuant to  
 33 section 41-1604.09 the board of executive clemency shall authorize the  
 34 release of the applicant upon parole if the applicant has reached the  
 35 applicant's earliest parole eligibility date pursuant to section 41-1604.09,  
 36 subsection D and it appears to the board, in its sole discretion, that there  
 37 is a substantial probability that the applicant will remain at liberty  
 38 without violating the law and that the release is in the best interests of  
 39 the state. The applicant shall thereupon be allowed to go upon parole in the  
 40 legal custody and under the control of the state department of corrections,  
 41 until the board revokes the parole or grants an absolute discharge from  
 42 parole or until the prisoner reaches the prisoner's individual earned release  
 43 credit date pursuant to section 41-1604.10. When the prisoner reaches the  
 44 prisoner's individual earned release credit date the prisoner's parole shall

1 be terminated and the prisoner shall no longer be under the authority of the  
2 board but shall be subject to revocation under section 41-1604.10.

3 B. Notwithstanding subsection A of this section, the director of the  
4 state department of corrections may certify as eligible for parole any  
5 prisoner, regardless of the classification of the prisoner, who has reached  
6 the prisoner's parole eligibility date pursuant to section 41-1604.09,  
7 subsection D, unless an increased term has been imposed pursuant to section  
8 41-1604.09, subsection F, for the sole purpose of parole to the custody of  
9 any other jurisdiction to serve a term of imprisonment imposed by the other  
10 jurisdiction or to stand trial on criminal charges in the other jurisdiction  
11 or for the sole purpose of parole to the custody of the state department of  
12 corrections to serve any consecutive term imposed on the prisoner. Upon  
13 review of an application for parole pursuant to this subsection the board may  
14 authorize parole if, in its discretion, parole appears to be in the best  
15 interests of the state.

16 C. A prisoner who is otherwise eligible for parole, who is not on home  
17 arrest or work furlough and who is currently serving a sentence for a  
18 conviction of a serious offense or conspiracy to commit or attempt to commit  
19 a serious offense shall not be granted parole or absolute discharge from  
20 imprisonment except by one of the following votes:

21 1. A majority affirmative vote if four or more members consider the  
22 action.

23 2. A unanimous affirmative vote if three members consider the action.

24 3. A unanimous affirmative vote if two members consider the action  
25 pursuant to section 31-401, subsection I and the chairman concurs after  
26 reviewing the information considered by the two members.

27 D. The board shall as a condition of parole order a prisoner to make  
28 any court-ordered restitution.

29 E. Payment of restitution by the prisoner in accordance with  
30 subsection D of this section shall be made through the clerk of the superior  
31 court in the county in which the prisoner was sentenced for the offense for  
32 which the prisoner has been imprisoned in the same manner as restitution is  
33 paid as a condition of probation. The clerk of the superior court shall  
34 report to the board monthly whether or not restitution has been paid for that  
35 month by the prisoner.

36 F. The board shall not disclose the address of the victim or the  
37 victim's immediate family to any party without the written consent of the  
38 victim or the victim's family.

39 G. For the purposes of this section, "serious offense" includes any of  
40 the following:

41 1. A serious offense as defined in section 13-604, subsection W,  
42 paragraph 4, subdivision (a), (b), (c), (d), (e), (g), (h), (i), (j) or (k).

43 2. A dangerous crime against children as defined in section 13-604.01.  
44 The citation of section 13-604.01 is not a necessary element for a serious  
45 offense designation.

3. A conviction under a prior criminal code for any offense that possesses reasonably equivalent offense elements as the offense elements that are listed under section 13-604, subsection W, paragraph 4 and section 13-604.01, subsection ~~M~~ N, paragraph 1.

Sec. 3. Section 41-1604.11, Arizona Revised Statutes, is amended to read:

41-1604.11. Order for removal; purposes; duration; work furlough; notice; failure to return; classification; applicability; definition

A. The director of the state department of corrections may authorize the temporary removal under custody from prison or any other institution for the detention of adults under the jurisdiction of the state department of corrections of any inmate for the purpose of employing that inmate in any work directly connected with the administration, management or maintenance of the prison or institution in which the inmate is confined, for purposes of cooperating voluntarily in medical research that cannot be performed at the prison or institution, or for participating in community action activities directed toward delinquency prevention and community betterment programs. The removal shall not be for a period longer than one day.

B. Under specific rules established by the director for the selection of inmates, the director may also authorize furlough, temporary removal or temporary release of any inmate for compassionate leave, for the purpose of furnishing to the inmate medical treatment not available at the prison or institution, for purposes preparatory to a return to the community within ninety days of the inmate's release date or for disaster aid, including local mutual aid and state emergencies. When an inmate is temporarily removed or temporarily released for a purpose preparatory to return to the community or for compassionate leave, the director may require the inmate to reimburse the state, in whole or part, for expenses incurred by the state in connection with the temporary removal or release.

C. The board of executive clemency, under specific rules established for the selection of inmates, if it appears to the board, in its sole discretion, that there is a substantial probability that the inmate will remain at liberty without violating the law and that the release is in the best interests of the state, may authorize the release of an inmate on work furlough if the inmate has served not less than six months of the sentence imposed by the court, is within twelve months of the inmate's parole eligibility date and has not been convicted of a sexual offense. The director shall provide information as the board requests concerning any inmate eligible for release on work furlough. The inmate shall not be released on work furlough unless the release is approved by the board.

D. An inmate who is otherwise eligible for work furlough pursuant to subsection C of this section, who is not on home arrest and who is currently serving a sentence for a conviction of a serious offense or conspiracy to

1 commit or attempt to commit a serious offense shall not be granted work  
2 furlough except by one of the following votes:

3 1. A majority affirmative vote if four or more members of the board of  
4 executive clemency consider the action.

5 2. A unanimous affirmative vote if three members of the board of  
6 executive clemency consider the action.

7 3. A unanimous affirmative vote if two members of the board of  
8 executive clemency consider the action pursuant to section 31-401, subsection  
9 I and the chairman of the board concurs after reviewing the information  
10 considered by the two members.

11 E. Before holding a hearing on the work furlough under consideration,  
12 the board ~~shall~~, on request, **SHALL** notify and afford an opportunity to be  
13 heard to the presiding judge of the superior court in the county in which the  
14 inmate requesting a work furlough was sentenced, the prosecuting attorney,  
15 the director of the arresting law enforcement agency and the victim of the  
16 offense for which the inmate is incarcerated. The notice shall state the  
17 name of the inmate requesting the work furlough, the offense for which the  
18 inmate was sentenced, the length of the sentence and the date of admission to  
19 the custody of the state department of corrections. The notice to the victim  
20 shall also inform the victim of the victim's right to be present and submit a  
21 written report to the board expressing the victim's opinion concerning the  
22 inmate's release. No hearing concerning work furlough shall be held until  
23 fifteen days after the date of giving the notice. On mailing the notice, the  
24 board shall file a hard copy of the notice as evidence that notification was  
25 sent.

26 F. The board shall require that every inmate released on work furlough  
27 comply with the terms and conditions of release as the board may impose,  
28 including that the inmate be gainfully employed while on work furlough and  
29 that the inmate make restitution to the victim of the offense for which the  
30 inmate was incarcerated.

31 G. If the board finds that an inmate has failed to comply with the  
32 terms and conditions of release or that the best interests of this state  
33 would be served by revocation of an inmate's work furlough, the board may  
34 issue a warrant for retaking the inmate before the expiration of the inmate's  
35 maximum sentence. After return of the inmate, the board may revoke the  
36 inmate's work furlough after the inmate has been given an opportunity to be  
37 heard.

38 H. If the board denies the release of an inmate on work furlough or  
39 home arrest, it may prescribe that the inmate not be recommended again for  
40 release on work furlough or home arrest for a period of up to one year.

41 I. The director shall transmit a monthly report containing the name,  
42 date of birth, offense for which the inmate was sentenced, length of the  
43 sentence and date of admission to the state department of corrections of each  
44 inmate on work furlough or home arrest to the chairperson of the house of  
45 representatives judiciary committee or its successor committee and the

1 chairperson of the senate judiciary committee or its successor committee.  
 2 The director shall also submit a report containing this information for any  
 3 inmate released on work furlough or home arrest within a jurisdiction to the  
 4 county attorney, sheriff and chief of police for the jurisdiction in which  
 5 the inmate is released on work furlough or home arrest.

6 J. Any inmate who knowingly fails to return from furlough, home  
 7 arrest, work furlough or temporary removal or temporary release granted under  
 8 this section is guilty of a class 5 felony.

9 K. At any given time if the director declares there is a shortage of  
 10 beds available for inmates within the state department of corrections, the  
 11 parole eligibility as set forth in sections 31-411 and 41-1604.09 may be  
 12 suspended for any inmate who has served not less than six months of the  
 13 sentence imposed by the court, who has not been previously convicted of a  
 14 felony and who has been sentenced for a class 4, 5 or 6 felony, not involving  
 15 a sexual offense, the use or exhibition of a deadly weapon or dangerous  
 16 instrument or the infliction of serious physical injury pursuant to section  
 17 13-604, and the inmate shall be continuously eligible for parole, home arrest  
 18 or work furlough.

19 L. Prisoners who have served at least one calendar year and are  
 20 serving a sentence for conviction of a crime committed on or after October 1,  
 21 1978, under section 13-604, 13-1406, 13-1410, 13-3406, 36-1002.01, 36-1002.02  
 22 or 36-1002.03, and who are sentenced to the custody of the state department  
 23 of corrections, may be temporarily released, according to the rules of the  
 24 department, at the discretion of the director, one hundred eighty calendar  
 25 days prior to expiration of the term imposed and shall remain under the  
 26 control of the state department of corrections until expiration of the  
 27 maximum sentence specified. If an offender released under this section or  
 28 pursuant to section 31-411, subsection B violates the rules, the offender may  
 29 be returned to custody and shall be classified to a parole class as provided  
 30 by the rules of the department.

31 M. This section applies only to persons who commit felony offenses  
 32 before January 1, 1994.

33 N. For the purposes of this section, "serious offense" means any of  
 34 the following:

35 1. A serious offense as defined in section 13-604, subsection W,  
 36 paragraph 4, subdivision (a), (b), (c), (d), (e), (g), (h), (i), (j) or (k).

37 2. A dangerous crime against children as defined in section  
 38 13-604.01. The citation of section 13-604.01 is not a necessary element for  
 39 a serious offense designation.

40 3. A conviction under a prior criminal code for any offense that  
 41 possesses reasonably equivalent offense elements as the offense elements that  
 42 are listed under section 13-604, subsection W, paragraph 4 or section  
 43 13-604.01, subsection ~~M~~ N, paragraph 1.

1           Sec. 4. Section 41-1604.13, Arizona Revised Statutes, is amended to  
2 read:

3           41-1604.13. Home arrest; eligibility; victim notification;  
4                                   conditions; applicability; definition

5           A. An inmate who has served not less than six months of the sentence  
6 imposed by the court is eligible for the home arrest program if the inmate:

7           1. Meets the following criteria:

8           (a) Was convicted of committing a class 4, 5 or 6 felony not involving  
9 the intentional or knowing infliction of serious physical injury or the use  
10 or exhibition of a deadly weapon or dangerous instrument.

11           (b) Was not convicted of a sexual offense.

12           (c) Has not previously been convicted of any felony.

13           2. Violated parole by the commission of a technical violation that was  
14 not chargeable or indictable as a criminal offense.

15           3. Is eligible for work furlough.

16           4. Is eligible for parole pursuant to section 31-412, subsection A.

17           B. The board of executive clemency shall determine which inmates are  
18 released to the home arrest program based on the criteria in subsection A of  
19 this section and based on a determination that there is a substantial  
20 probability that the inmate will remain at liberty without violating the law  
21 and that the release is in the best interests of the state after considering  
22 the offense for which the inmate is presently incarcerated, the prior record  
23 of the inmate, the conduct of the inmate while incarcerated and any other  
24 information concerning the inmate which is in the possession of the state  
25 department of corrections, including any presentence report. The board  
26 maintains the responsibility of revocation as applicable to all parolees.

27           C. An inmate who is otherwise eligible for home arrest, who is not on  
28 work furlough and who is currently serving a sentence for a conviction of a  
29 serious offense or conspiracy to commit or attempt to commit a serious  
30 offense shall not be granted home arrest except by one of the following  
31 votes:

32           1. A majority affirmative vote if four or more members of the board of  
33 executive clemency consider the action.

34           2. A unanimous affirmative vote if three members of the board of  
35 executive clemency consider the action.

36           3. A unanimous affirmative vote if two members of the board of  
37 executive clemency consider the action pursuant to section 31-401, subsection  
38 I and the chairman of the board concurs after reviewing the information  
39 considered by the two members.

40           D. Home arrest is conditioned on the following:

41           1. Active electronic monitoring surveillance for a minimum term of one  
42 year or until eligible for general parole.

43           2. Participation in gainful employment or other beneficial activities.

44           3. Submission to alcohol and drug tests as mandated.

1           4. Payment of the electronic monitoring fee in an amount determined by  
2 the board of not less than one dollar per day and not more than the total  
3 cost of the electronic monitoring unless, after determining the inability of  
4 the inmate to pay the fee, the board requires payment of a lesser amount.  
5 The fees collected shall be returned to the department's home arrest program  
6 to offset operational costs of the program.

7           5. Remaining at the inmate's place of residence at all times except  
8 for movement out of the residence according to mandated conditions.

9           6. Adherence to any other conditions imposed by the court, board of  
10 executive clemency or supervising corrections officers.

11           7. Compliance with all other conditions of supervision.

12           E. Before holding a hearing on home arrest, the board on request shall  
13 notify and afford an opportunity to be heard to the presiding judge of the  
14 superior court in the county in which the inmate requesting home arrest was  
15 sentenced, the prosecuting attorney and the director of the arresting law  
16 enforcement agency. The board shall notify the victim of the offense for  
17 which the inmate is incarcerated. The notice shall state the name of the  
18 inmate requesting home arrest, the offense for which the inmate was  
19 sentenced, the length of the sentence and the date of admission to the  
20 custody of the state department of corrections. The notice to the victim  
21 shall also inform the victim of the victim's right to be present and to  
22 submit a written report to the board expressing the victim's opinion  
23 concerning the inmate's release. No hearing concerning home arrest may be  
24 held until fifteen days after the date of giving the notice. On mailing the  
25 notice, the board shall file a hard copy of the notice as evidence that  
26 notification was sent.

27           F. An inmate who is placed on home arrest is on inmate status, is  
28 subject to all the limitations of rights and movement and is entitled only to  
29 due process rights of return.

30           G. If an inmate violates a condition of home arrest that poses any  
31 threat or danger to the community, or commits an additional felony offense,  
32 the board shall revoke the home arrest and return the inmate to the custody  
33 of the state department of corrections to complete the term of imprisonment  
34 as authorized by law.

35           H. The ratio of supervising corrections officers to supervisees in the  
36 home arrest program shall be no greater than one officer for every  
37 twenty-five supervisees.

38           I. The board shall determine when the supervisee is eligible for  
39 transfer to the regular parole program pursuant to section 31-411.

40           J. This section applies only to persons who commit felony offenses  
41 before January 1, 1994.

42           K. For the purposes of this section, "serious offense" includes any of  
43 the following:

44           1. A serious offense as defined in section 13-604, subsection W,  
45 paragraph 4, subdivision (a), (b), (c), (d), (e), (g), (h), (i), (j) or (k).

1           2. A dangerous crime against children as defined in section  
2 13-604.01. The citation of section 13-604.01 is not a necessary element for  
3 a serious offense designation.

4           3. A conviction under a prior criminal code for any offense that  
5 possesses reasonably equivalent offense elements as the offense elements that  
6 are listed under section 13-604, subsection W, paragraph 4 and section  
7 13-604.01, subsection ~~M~~ N, paragraph 1.